



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-27

July 16, 2004

Jeff Luter
45 Merriman Hill Road
Greenville, NH 03048

RE: DES Wetlands File #2000-01095 Cow Island, Tuftonboro Map 38, Lot 4

Dear Mr. Luter:

On June 23, 2004 the New Hampshire Department of Environmental Services (DES) Wetlands Bureau inspected your property located on Cow Island in Tuftonboro, specifically identified on Tuftonboro Tax Map 38, Lot 4 (the "Property"). The purpose of the inspection was to determine whether work that was conducted on the Property was in compliance with DES Wetlands and Non-Site Specific Permit # 2000-1095 (the "Permit"). The Permit authorized construction of two 6' x 30' piers connected by a 4' x 11' 11" walkway in accordance with plans by Winnepesaukee Marine Construction dated May 17, 2000, as received by DES on May 25, 2000 (the "Plans").

During the inspection the following deficiency was documented:

1. An approximately 41 square foot triangular section of deck had been attached to the northerly end of the walkway and east pier. Two benches were affixed to the deck and a table and grill were observed adjacent to the benches. Pursuant to NH Administrative Rule Wt 402.09(c), Structures Disallowed, "structures over the water shall not be allowed for the transfer of any activities usually associated with land, including, but not limited to sunbathing and picnicking."

In response, you are requested to take the following actions:

1. By September 8, 2004, remove the 41 square foot triangular section of deck and the benches.
2. By September 15, 2004, submit photos documenting compliance and an as-built plan, dimensioned or drawn to scale, showing removal of the 41 square foot triangular section of deck and the benches. The as-built plan should include the location of the docking facility relative to the normal high water line (elevation 504.32 on Lake Winnepesaukee) and the abutting property lines.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling or construction in

and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

D. Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9246

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Winnepesaukee Marine Construction Co.
Tuftonboro Conservation Commission
Tuftonboro Board of Selectmen
USACOE